UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
--- x

RENALDO LEPLATTE,

                                  Plaintiff,

                  -against-

Police Officer Andrew Kamna, Shield No. 24865;
Police Officers JOHN and JANE DOE 1 through
10, individually and in their official capacities (the
names John and Jane Doe being fictitious, as the
true names are presently unknown),

                              Defendants.

--- x

FIRST AMENDED COMPLAINT

Jury Trial Demanded

13 CV 121 (SJ)(RLM)

NATURE OF THE ACTION

1.   This is an action to recover money damages arising out of the violation of plaintiff's rights under the Constitution.

JURISDICTION AND VENUE

2.   This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States.

3.   The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343.

4.   Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 (b) and (c).

JURY DEMAND

5.   Plaintiff demands a trial by jury in this action.

PARTIES

6.   Plaintiff Renaldo LePlatte ("plaintiff" or "Mr. LePlatte") is a resident of Kings County in the City and State of New York.

7.   Defendant Police Officer Andrew Kamna, Shield No. 24865 ("Kamna"), at all times relevant herein, was an officer, employee and agent of the NYPD. Defendant Kamna is sued in his individual and official capacities

8.   At all times relevant defendants John and Jane Doe 1 through 10 were police officers, detectives or supervisors employed by the NYPD. Plaintiff does not know the real names and shield numbers of defendants John and Jane Doe 1 through 10.

9.   At all times relevant herein, defendants John and Jane Doe 1 through 10 were acting as agents, servants and employees of defendant City of New York and the NYPD. Defendants John and Jane Doe 1 through 10 are sued in their individual and official capacities.

10.   At all times relevant herein, all individual defendants were acting under color of state law.

STATEMENT OF FACTS

11.   At approximately 4:30 p.m. on July 30, 2012, plaintiff was lawfully in the

vicinity of Thomas Boyland Street and Sutter Avenue Brooklyn, New York.

12. Mr. LePlatte had walked to his friend's house, but no one was home.

13. When he turned to walk home, defendants, with their guns drawn, ordered him to get on the ground.

14. Without probable cause or reasonable suspicion to believe he had committed any crime or offense, defendants searched and handcuffed Mr. LePlatte.

15. No contraband was recovered from Mr. LePlatte.

16. Plaintiff was taken to a police van where he was held for almost an hour.

17. Mr. LePlatte was eventually taken to the 73rd Precinct.

18. At the precinct the officers falsely informed employees of the Kings County District Attorney's Office that they had observed plaintiff commit a crime.

19. At no point did the officers observe plaintiff commit any crime.

20. At approximately 7 a.m. on or about July 31, 2012, plaintiff was taken to Brooklyn Central Booking.

21. Sometime in the early evening on July 31, 2012, plaintiff was released from Central Booking without ever appearing before a judge.

22. After approximately 15 hours in custody, plaintiff was released.

23. Plaintiff suffered damage as a result of defendants' actions. Plaintiff was deprived of his liberty, suffered emotional distress, mental anguish, fear, anxiety, embarrassment, humiliation, and damage to his reputation.

FIRST CLAIM
Unlawful Stop and Search

24.   Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

25.   Defendants violated the Fourth and Fourteenth Amendments because they stopped and searched plaintiff without reasonable suspicion.

26.   As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

SECOND CLAIM
False Arrest

27.   Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

28.   Defendants violated the Fourth and Fourteenth Amendments because they arrested plaintiff without probable cause.

29.   As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

THIRD CLAIM
Denial Of Constitutional Right To Fair Trial

30.   Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

31.   The individual defendants created false evidence against plaintiff.

32.   The individual defendants forwarded false evidence to prosecutors in the Kings County District Attorney's office.

33.   In creating false evidence against plaintiff, and in forwarding false information to prosecutors, the individual defendants violated plaintiff's constitutional right to a fair trial under the Due Process Clause of the Fifth, Sixth and Fourteenth Amendments of the United States Constitution.

34.   As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.

FOURTH CLAIM
Failure To Intervene

35.   Plaintiff repeats and realleges each and every allegation as if fully set forth herein.

36.   Those defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

37.   Accordingly, the defendants who failed to intervene violated the Fourth, Fifth, Sixth and Fourteenth Amendments.

38.   As a direct and proximate result of this unlawful conduct, plaintiff sustained the damages hereinbefore alleged.
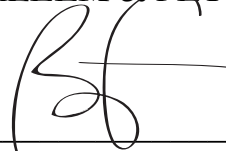
<u>PRAYER FOR RELIEF</u>

WHEREFORE, plaintiff respectfully requests judgment against defendants as follows:

(a) Compensatory damages against all defendants, jointly and severally;

(b) Punitive damages against the individual defendants, jointly and severally;

(c) Reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 1988; and

(d) Such other and further relief as this Court deems just and proper.

DATED: January 21, 2013
          New York, New York

HARVIS WRIGHT
SALEEM & FETT LLP

_____
Baree N. Fett
305 Broadway, 14th Floor
New York, New York 10007
(212) 323-6880
bfett@hwsflegal.com

Attorney for plaintiff